

EXHIBIT 13

Simmons, Justin

From: Scott Fitzsimmons <sfitzsimmons@watttieder.com>
Sent: Monday, November 7, 2022 6:23 PM
To: Simmons, Justin; Kathy Barnes; Brandon Regan; Edward Parrott
Cc: 'Conley, Todd'; 'Golimowski, Jeff'; Treece, Joshua; Hollis, Jon; Stemland, Karen
Subject: RE: BAE v. Fluor - Case No. 7:20-CV-00587 - First Round of Depositions

****EXTERNAL EMAIL****

Justin –

Below is information related to the remaining Fluor witnesses requested by BAE:

Tom Moran is available for virtual deposition Dec 13-16.

Jim Worcester is available for virtual deposition Dec 9 or 23.

Tom D'Agostino is unavailable before November 21 and he travels quite a bit each month. He will need to be subpoenaed for deposition. Please contact Jeff Cottle regarding that process jcottle@brownrudnick.com

Kent Smith and Robert Griffith must be subpoenaed for deposition. Please coordinate that process with Kevin Muhlendorf kMuhlendorf@wiley.law

BAE's assertion that it "may have to adjust its own deponents' availability" is simply a game. You have requested that we confirm dates for BAE's witnesses. We have done so. These depositions have been scheduled and Fluor will move forward. Please confirm the dates that you will take the depositions of Moran and Worcester.

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From: Simmons, Justin <jsimmons@woodsrogers.com>
Sent: Sunday, November 6, 2022 3:36 PM
To: Kathy Barnes <kbarnes@watttieder.com>; Scott Fitzsimmons <sfitzsimmons@watttieder.com>; Sarah Bloom <sbloom@watttieder.com>; Brandon Regan <bregan@watttieder.com>; Edward Parrott <eparrott@watttieder.com>
Cc: 'Conley, Todd' <Todd.Conley@wbd-us.com>; 'Golimowski, Jeff' <Jeff.Golimowski@wbd-us.com>; Treece, Joshua <jtreece@woodsrogers.com>; Hollis, Jon <jhollis@woodsrogers.com>; Stemland, Karen <kstemland@woodsrogers.com>
Subject: RE: BAE v. Fluor - Case No. 7:20-CV-00587 - First Round of Depositions

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Hi, Kathy,

Fluor's failure to timely provide available dates for five of its witnesses is jeopardizing the deposition schedule. Fluor needs to provide dates regardless of whether the depositions will be in person or remote. The issue is witness availability, and dates are running out.

Whether it makes sense to depose a Fluor witness in person or remotely will depend in part on that witness's availability, which is something BAE doesn't have for most of Fluor's witnesses. Nevertheless, BAE will confirm that it will depose at least Tom D'Agostino, Kent Smith, and Robert Griffith in person.

Fluor's withholding the available dates for some witnesses is entirely inappropriate. Thus, if Fluor doesn't provide the available dates for the remaining five Fluor witnesses by close of business Monday, Nov. 7, then BAE will have no choice but to reach out to Judge Ballou's chambers to schedule another status conference. And BAE may have to adjust its own deponents' availability to accommodate the still-undefined schedule (which cannot be ironed out until we consider Fluor's witnesses' availability).

Best,

Justin

Justin Simmons
Principal

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From: Kathy Barnes <kbarnes@watttieder.com>

Sent: Friday, November 4, 2022 10:07 PM

To: Simmons, Justin <jsimmons@woodsrogers.com>; Scott Fitzsimmons <sfitzsimmons@watttieder.com>; Sarah Bloom <sbloom@watttieder.com>; Brandon Regan <bregan@watttieder.com>; Edward Parrott <eparrott@watttieder.com>

Cc: 'Conley, Todd' <Todd.Conley@wbd-us.com>; 'Golimowski, Jeff' <Jeff.Golimowski@wbd-us.com>; Treece, Joshua <jtreece@woodsrogers.com>; Hollis, Jon <jhollis@woodsrogers.com>; Stemland, Karen <kstemland@woodsrogers.com>

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****EXTERNAL EMAIL****

Justin-

On Tuesday, Judge Ballou directed BAE to inform Fluor of the **limited** number of deponents that BAE requests to be produced in-person for deposition. BAE has yet to provide this information to allow Fluor to schedule depositions. Nonetheless, we have been working in good faith to obtain the available dates for the remaining Fluor witnesses for video depositions, all but 1 of whom are no longer employed by Fluor. Unfortunately, obtaining this information has taken longer to obtain than I expected on Tuesday. We now expect to have more information early next week.

As you requested, Fluor has confirmed below the dates for depositions of the BAE witnesses. We also have identified the witnesses that we intend to take in person. Fluor will not take any depositions during the week of November 14:

Bob Creed: November 22
Kelly Jones: December 2
Mark Signorelli: December 5 ***IN PERSON***
Carl Ross-Works: December 6
Reed McPeak: December 9
Derek Wolfe: December 12 ***IN PERSON ***
Judith Eastwood: December 15 ***IN PERSON***
Kelly Bate: December 16

Best Regards,

Kathleen Olden Barnes | Senior Partner



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From: Simmons, Justin <jsimmons@woodsrogers.com>
Sent: Friday, November 4, 2022 12:09 PM
To: Kathy Barnes <kbarnes@watttieder.com>; Scott Fitzsimmons <sfitzsimmons@watttieder.com>; Sarah Bloom <sbloom@watttieder.com>; Brandon Regan <bregan@watttieder.com>; Edward Parrott <eparrott@watttieder.com>
Cc: 'Conley, Todd' <Todd.Conley@wbd-us.com>; 'Golimowski, Jeff' <Jeff.Golimowski@wbd-us.com>; Treece, Joshua <jtreece@woodsrogers.com>; Hollis, Jon <jhollis@woodsrogers.com>; Stemland, Karen <kstemland@woodsrogers.com>
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Hi, Kathy,

On Tuesday, Fluor represented to BAE and the Court that Fluor would be providing the available dates for the remaining five Fluor witnesses that BAE identified in a day or two. It's now Friday afternoon, and Fluor has still not provided such dates. Nor has Fluor confirmed the dates on which it would like to depose the BAE witnesses Fluor identified. This delay is putting the parties' agreed-upon schedule for the first round of depositions in jeopardy. So please provide the available dates for the remaining five Fluor witnesses by close of business today. Also, if Fluor intends to depose any BAE witness the week of Nov. 14, then please let us know that by close of business today as well.

Best,

Justin

Justin Simmons
Principal

Woods Rogers Vandeventer Black PLC